



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 14 2007

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

Daljit Kaur Sekhon, Treasurer
Committee to Elect Sekhon for Congress
1085 Gray Ave
Yuba City, CA 95991

RE: MUR 5957

Dear Ms. Sekhon:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting that the Committee to Elect Sekhon for Congress (the "Committee") and you, in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On December 3, 2007, the Commission found reason to believe that the Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(b), a provision of the Act. Enclosed is the Factual and Legal Analysis that sets forth the basis for the Commission's determination.

We have also enclosed a brief description of the Commission's procedures for handling possible violations of the Act. In addition, please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519. In the meantime, this matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

[Redacted signature block]

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Designation of Counsel form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

We look forward to your response.

Sincerely,



Robert D. Lenhard
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

cc: Arjinderpal Singh Sekhon

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

4
5 **RESPONDENTS:** Committee to Elect Sekhon for Congress MUR: 5957
6 and Daljit Kaur Sekhon, in her official capacity
7 as treasurer
8

9 **I. BACKGROUND**

10 This matter was generated based on information ascertained by the Federal Election
11 Commission ("the Commission") in the normal course of carrying out its supervisory
12 responsibilities. See 2 U.S.C. § 437g(a)(2).

13 **II. FACTUAL AND LEGAL ANALYSIS**

14 **A. Factual Summary**

15
16 The Committee to Elect Sekhon for Congress ("Committee") is a political committee
17 within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee for
18 Arjinderpal Singh Sekhon, a candidate for California's 2nd Congressional District seat in 2006.
19 The first report filed by the Committee was the 2006 October Quarterly Report. In that report,
20 the Committee disclosed 10 contributions from individuals on Schedule A (Itemized Receipts),
21 but failed to provide the occupation and/or name of the employer of the contributor for 2 of those
22 10 entries, or 20% of the contributions. In its next-filed report, the 2006 12-Day Pre-General
23 Report, the Committee disclosed 155 contributions from individuals on Schedule A, but failed to
24 provide the occupation and/or name of the employer of the contributor for 154 of those entries,
25 or 99% of the contributions. Finally, in its 2006 30-Day Post-General Election Report, the
26 Committee disclosed 74 contributions from individuals on Schedule A, but failed to provide the
27 occupation and/or name of the employer of the contributor for 74 of those entries, or 100% of the
28 contributions. Of the 230 deficient contribution entries disclosed by the Committee, 228 listed
29 "self" for both occupation and employer.

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1 RAD sent the Committee separate Requests for Additional Information ("RFAIs") for the
2 12-Day Pre-General and the 30-Day Post-General Election Reports requesting that the
3 Committee file amendments to include the missing contributor information from the respective
4 report and/or a detailed description of its "best efforts" to obtain the information. In addition,
5 RAD had multiple conversations with the Committee to explain why the information was
6 inadequate and what the Committee needed to do to rectify the problem. The Committee filed
7 amendments to its 2006 12-Day Pre-General and 30-Day Post-General Election Reports,
8 however, the Committee's amendments did not provide the missing information for any of the
9 contributor entries contained in the original reports and the Committee did not provide any
10 evidence that "best efforts" were used to obtain the missing information.¹

11 RAD advised the Committee that its amendments did not provide the required "best
12 efforts" information and again requested that the Committee provide additional information.
13 However, to date, the Committee has not submitted any additional information.

14 **B. Legal Analysis**

15 The Act requires candidate committees to identify persons who make contributions that,
16 when aggregated, exceed \$200 for the election cycle. 2 U.S.C. § 434(b)(3)(A). The Act and the
17 regulations define "identification" to include providing the person's name, address, occupation
18 and name of employer. 2 U.S.C. § 431(13)(A); 11 C.F.R. § 100.12. If the contribution is not
19 accompanied by all of the contributor information required to be reported, the committee must
20 undertake "best efforts" to obtain the missing information. 11 C.F.R. § 104.7. Specifically, the
21 committee treasurer must make at least one effort within 30 days of receipt of the contribution to

¹ The two amendments collectively omitted thirteen previously reported contributions and added twenty-one new contributions, two of which lacked adequate contributor information. The Committee did not file an amendment to its 2006 October Quarterly Report.

1 obtain the missing information; the effort may be in writing or it may be an oral request,
2 documented in writing; it may not include material on any other subject and may not solicit any
3 contribution; and if in writing, it must clearly ask for the missing information and must be
4 accompanied by a pre-addressed return post card or envelope for the response. 11 C.F.R.

5 § 104.7(b)(2). Written requests for missing information by authorized committees, such as the
6 Committee, must include language along the following lines:

7 Federal law requires us to use our best efforts to collect and report the
8 name, mailing address, occupation and name of employer of individuals
9 whose contributions exceed \$200 in an election cycle

10
11 or

12
13 To comply with Federal law, we must use best efforts to obtain, maintain,
14 and submit the name, mailing address, occupation and name of employer
15 of individuals whose contributions exceed \$200 per election cycle.

16
17 11 C.F.R. § 104.7(b)(1).

18 In this matter, the Committee in its 2006 October Quarterly Report, 2006 12-Day Pre-
19 General Report, and 2006 30-Day Post-General Election Report failed to provide contributors'
20 name, employer and/or occupation information for 219 of 245 entries or approximately 89% of
21 contributions from individuals, and failed to establish that it used best efforts to obtain that
22 information. Furthermore, the Committee has provided no documentation substantiating its
23 efforts to comply with the law. Therefore, there is reason to believe that the Committee to Elect
24 Sekhon for Congress and Daljit Kaur Sekhon, in her official capacity as treasurer, violated
25 2 U.S.C. § 434(b).

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